

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

PAMELA TOWNSEND,

Plaintiff,

v.

C.A. NO.: 1:10-cv-00298

PROGRESSIVE ENTITIES, INC.
and GREGORY BRENNER,

Defendants.

MOTION TO ENFORCE SETTLEMENT AGREEMENT

Plaintiff, PAMELA TOWNSEND, by and through her undersigned attorney, moves this Court to order Defendants to comply with the parties' settlement agreement. In support thereof, Plaintiff submits the following:

1. Plaintiff filed her claim against Defendant seeking unpaid overtime wages pursuant to the Fair Labor Standards Act.
2. On April 6, 2012, the parties notified the Court that the case had settled.(Dkt 20).
3. On April 9, 2012, the Defendants signed a settlement agreement which the Plaintiff subsequently signed on April 14, 2012. A copy of the settlement agreement is attached as Exhibit A.
4. Pursuant to the parties' settlement agreement, Defendants were to deliver seven post-dated checks to Plaintiff's counsel totaling \$10,000.00 on or before May 14, 2012.

The post-dated checks constituted the settlement payments from the Defendants to the Plaintiff.
5. Defendants have failed to deliver the seven post-dated checks.

6. Plaintiff's counsel has contacted Defendants' counsel's office by telephone on at least six occasions since the settlement checks have become due. Defendants' counsel has not returned any of the calls placed by Plaintiff's counsel.
7. By letter dated May 17, 2012 to Defendants' counsel, Plaintiff's counsel demanded the settlement checks be delivered or that Defendant's counsel contact him by the end of the day. Defendants' counsel did not respond to the letter sent by Plaintiff's counsel. A copy of the letter is attached hereto as Exhibit B.
8. Plaintiff respectfully requests that this Court order Defendants to deliver the seven post-dated checks to Plaintiff's counsel pursuant to the parties' settlement agreement or hold the Defendants in contempt of court. In addition, Plaintiff requests that this Court order Defendants to pay Plaintiff \$600.00 in attorney's fees for time spent attempting to contact Defendants' counsel and drafting this motion and proposed order, all done in an effort to enforce the parties' settlement agreement.
9. Plaintiff's counsel certifies that he has attempted to contact Defendants' counsel to discuss the substance of this motion without avail.

Dated this 18th day of May, 2012.

Respectfully submitted,

ROSS LAW P.C.
1104 San Antonio Street
Austin, Texas 78701
(512) 474-7677 Telephone
(512) 474-5306 Facsimile

/s/ Charles L. Scalise
Charles L. Scalise
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on this the 18th day of May, 2012, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system, which will send notification to the following:

Sam Mehaffey
Mehaffey & Watson
2441 South 1st Street
Abilene TX 79605

/s/Charles L. Scalise
Attorney for Plaintiff